REMARKS

Applicants have studied the Office Action dated November 29, 2005. No new matter has been added. By virtue of this amendment, claims 7-18 and 21-24 are pending. Claims 14 and 22 have been amended to correct antecedent basis. Reconsideration and further examination of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

(1-4)   Indicated claims 12 and 24 are allowable if rewritten in independent form including all of the limitation of the base claims and any intervening claims;

(6-7)   Rejected claims 7 and 21 under rejected under 35 U.S.C § 112, First Paragraph as failing to comply with the written description requirement;

(8-9)   Rejected claims 7, 13, 15, 16, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (US 6,337,911 B1) in view Schneier "Applied Cryptography" (1996), and further in view of Graunke et al. (US 5,991,399);

(10)   Rejected claims 8-12, 14, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (US 6,337,911 B1) in view Schneier "Applied Cryptography" (1996), and further in view of Graunke et al. (US 5,991,399) and further in view of Dillon (US 6,351,467 B1); and

(11)   Rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Dillon (US 6,337, 911 B1) in view Schneier "Applied Cryptography" (1996), and further in view of Graunke et al. (US 5,991,399) and further in view of Horstmann (US 6,009,401).

Examiner Telephone call of December 6, 2005

The Applicants' representative Jon Gibbons would like to thank Examiner Reagan for the telephone call on December 6, 2005. Discussed was the rejection of claims 7 and 12 under 35 U.S.C § 112, First Paragraph. In particular the Applicants' representative pointed out the support for the language added by the October 5, 2005 amendment of:

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> executing an emulator to enable a single player application of the encrypted
> content data to receive content data over the broadcast channel as if the single
> player application is receiving the encrypted content data from a
> telecommunication infrastructure, thereby enabling the single player application
> to perform the following steps regardless from where the encrypted content has
> been received

is properly supported in the application as originally filed in FIG. 19 items 1910 and 1912 and page 159, lines 15-28. This support was stated in the October 5, 2005 amendment in the penultimate paragraph on page 9. The Applicant representative recognizes the length of the specification in the present application may make tracking support for language added by amendment difficult. The Applicant thanks Examiner Reagan for acknowledging this support during the telephone call and for agreeing to issue a new non-final action on the merits addressing the merits of claims 7 and 21.

Allowablity of Claim 12 and 24

The Applicants also wish to thank Examiner Reagan for indicating the allowable subject matter of claims 12 and 24. Dependent claims 12 and 24 depend from independent claims 7 and 21 including intervening claims. Because as the Examiner notes on page 3 of the November 29, 2005 that independent claims 7 and 21 were not addressed, the Applicants respectfully request an action on the merits of independent claims 7 and 21 because for the reason as stated in the October 5, 2005 amendment and repeated below, the Applicants respectfully submit that independent claims are in a condition for allowance which allowance is respectfully requested.

Overview of the Present Invention

Preferred embodiments of the present invention are directed to a method and system for securely receiving content data on a user's system from a web broadcast

infrastructure with a plurality of channels. The present invention provides an "<u>emulator</u> <u>to enable a single player application of the encrypted content data to receive content</u> <u>data over the broadcast channel as if the single player application is receiving the</u> <u>encrypted content data from a telecommunication infrastructure, thereby enabling the</u> <u>single player application to perform the following steps regardless from where the</u> <u>encrypted content has been received</u>" of

transferring <u>to a trusted third party an</u> encrypted first decrypting key, which has been encrypted with <u>a</u> second encrypting key of <u>the trusted third party</u>;

receiving the encrypted first decrypting key, which has been decrypted by the trusted third party and re-encrypted with a user's system key; and

decrypting, in a tamper resistant environment <u>of the single player</u> <u>application</u>, the encrypted first decrypting key with the user's system key.

The present invention provides the versatility of securely receiving digital content from a broadcast infrastructure and a telecommunications infrastructure e.g. internet with a <u>single</u> player application. Independent claims 7 and 21 have been amended to recite this language. Support for the language is found at FIG. 19 item 1912 and page 159 along with the original problem statement on page 8, lines 10-15. No new matter has been added.

Rejection Under 35 U.S.C. § 103(a)

As noted above, the Examiner rejected claims 7-18 and 21-24 in various combinations of under 35 U.S.C. § 103(a) as being unpatentable over Dillon (US 6,337,911 B1) in of Schneier "Applied Cryptography" (1996), and further in view of Graunke et al. (US 5,991,399) and in various combinations of Dillon '467 and Horstmann. Dillon '911, Schneier, Graunke, Dillon '467 and Horstmann are completely silent on "<u>emulator to</u> <u>enable a single player application of the encrypted content data to receive content data</u> <u>over the broadcast channel as if the single player application is receiving the encrypted</u> <u>content data from a telecommunication infrastructure, thereby enabling the single</u>

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player application to perform the following steps regardless from where the encrypted content has been received. According independent claims 7 and 21 distinguish over Dillon '911, Schneier, Graunke, Dillon '467 and Horstmann for at least this reason.

Continuing further, when there is no suggestion or teaching in the prior art for "emulator to enable a single player application of the encrypted content data to receive content data over the broadcast channel as if the single player application is receiving the encrypted content data from a telecommunication infrastructure, thereby enabling the single player application to perform the following steps regardless from where the encrypted content has been received the suggestion can not come from the Applicant's own specification. The Federal Circuit has repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art. See MPEP §2143 and Grain Processing Corp. v. American Maize-Products, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and In re Fitch, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The prior art reference Dillon '911, Schneier, Graunke, Dillon '467 and Horstmann do not even suggest, teach nor mention an emulator to enable a single player application of the encrypted content data to receive content data over the broadcast channel as if the single player application is receiving the encrypted content data from a telecommunication infrastructure.

Very recently, the Federal Circuit again took up the identical question of Obviousness in combining references in the case In re Sang Su Lee, No. 00-1158 (January 18, 2002) In re Sang Su Lee, 277 F.3d 1338 (Fed. Cir. 2002). In this case, the Board of Patent Appeals rejected all of Applicant's pending claims as obvious under § 103. The Federal Circuit vacated and remanded. Citing two prior art references, the Board stated that a person of ordinary skill in the art would have been motivated to combine the references based on "common knowledge" and "common sense," but it did not present any specific source or evidence in the art that would have otherwise suggested the

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combination. The Federal Circuit held that the Board's rejection of a need for any specific hint or suggestion in the art to combine the references was both legal error and arbitrary agency action subject to being set aside by the court under the Administrative Procedure Act (APA). The Applicants submit the present invention distinguishes over Dillon '911, Schneier, Graunke, Dillon '467 and Horstmann for at least this reason as well.

Independent claims 7 and 21 have been amended to distinguish over Dillon '911, Schneier, Graunke, Dillon '467 and Horstmann. Claims 8-18 and 22-24 depend from claims 7 and 21 respectively, since dependent claims contain all the limitations of the independent claims, claims 8-18 and 22-24 distinguish over Dillon '911, Schneier, Graunke, Dillon '467 and Horstmann, as well.

With specific regards to claims 15 and 18, the Examiner appears not to have examined these claims. The Applicants respectfully request that the Examiner properly cite references when reviewing claims 15 and 18 or in the alternative indicate they are allowable.

CONCLUSIONS

The remaining cited references have been reviewed and are not believed to effect the patentability of the claims as previously amended.

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

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Applicants acknowledge the continuing duty of candor and good faith to the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE, if for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call either of the undersigned attorneys at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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